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6 Attorneys for Plaintiffs ACER, INC., ACER
AMERICA CORPORATION and
7 GATEWAY, INC.

8 UNITED STATES DISTRICT COURT
9
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN JOSE DIVISION

12 ACER, INC., ACER AMERICA
CORPORATION and GATEWAY, INC.,

13 Plaintiffs,

14 v.

15 TECHNOLOGY PROPERTIES LIMITED,
PATRIOT SCIENTIFIC CORPORATION, and
16 ALLIACENSE LIMITED,

Defendants.

Case No. 5:08-cv-00877 JF

**DECLARATION OF ACER INC. IN
SUPPORT OF PLAINTIFFS'
OPPOSITION TO DEFENDANTS'
MOTION TO DISMISS**

17 I, BJ Lin declare:

18 1. I am employed by Acer Inc. as Deputy General Counsel of Legal Unit. I have
19 personal knowledge of the facts set forth below and, if called as a witness, I could and would
20 testify competently to them.

21 2. I have been employed by Acer Inc. since 2004

22 3. Acer Inc. is a Taiwan-based multinational electronics company. Acer Inc. is one
23 of the largest computer companies in the world and sells products including desktop and
24 notebook computers, servers and storage, displays, peripherals, and e-business services for
25 business, government, education, and home users.

26 4. Acer Inc. is a parent corporation of Acer America Corporation ("AAC"). All of
27 Acer Inc.'s business in the United States is conducted with AAC.
28

1 5. Acer received a letter from Alliacense Limited dated July 15th 2005. In the letter,
2 Alliacense claimed that it owned Moore Microprocessor Patent ("MMP") Portfolio, which
3 consists patents of US 5,440,749, US 5,530,890, US 5,604,915, US 5,659,703, US 5,784,584, US
4 5,809,336, US 6,598,148, European Counterparts and Japanese Counterparts and alleged that
5 Acer was infringing those patents.

6 6. In an effort to informally resolve the issue between the parties, Acer
7 representatives met with representatives for Technology Properties Limited ("TPL"), Patriot
8 Scientific Corporation ("Patriot Scientific"), and Alliacense (collectively "Defendants")
9 approximately five times. Four of those meetings took place at Acer's offices in Taiwan, one
10 meeting took place in Alliacense's offices in California.

11 7. During these meeting, Alliacense repeatedly threatened Plaintiffs with a patent
12 infringement action if they did not enter into a royalty-bearing license with respect to the patents-
13 in-suit.


14 8. On January 20, 2008, I met with Daniel Leckrone, President of Alliacense, and
15 Mike Davis, Senior Vice President of Licensing for Alliacense to discuss the possibility of a
16 license to cover both Acer and Gateway. At that meeting, Mr. Davis specifically threatened that
17 unless Acer/Gateway license the patents, TPL and Alliacense would file a patent infringement
18 lawsuit against Acer/Gateway.

19 9. Mr. Davis further threatened that TPL would seek injunctive relief to prevent
20 Acer/Gateway from importing and/or selling products in the United States.

21 10. On February 6, 2008, Mr. Davis sent me an email, with a copy to Michael Barry,
22 Associate General Counsel for Gateway. Mr. Davis stated that Alliacense was no longer willing
23 to meet with the team that Acer had asked to conduct further negotiations. In urging another
24 meeting with Lin, Mr. Davis threatened: "Please let me know if Acer still has an interest
25 resolving this matter outside of court and if so, how you would like to proceed."
26
27
28

1 I declare under penalty of perjury under the laws of the United States that the foregoing is
2 true and correct.

3 Executed this 10th day of July, 2008, in Taipei, Taiwan.

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6 _____
BJ Lin